

December 11, 2006

Ex Parte

Ms. Marilyn Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Implementation of Section 621(a)(1) of the Cable
Communications Policy Act of 1984 as amended by the Cable
Television Consumer Protection and Competition Act of 1992, MB
Docket No. 05-311

Dear Ms. Dortch,

This notice is to submit ex parte comments in the FCC MB Docket No. 05-311, cited above, and is a follow-up to calls I placed last week on this matter to the offices of Commissioners Martin, McDowell and Tate.

I have been involved with PEG access television in the Portland/Brunswick, Maine area for over fifteen years, and I unite with Alliance for Community Media and National Association of Telecommunications Officers and Advisors (NATOA) members in calling for competition without destruction of local, community controlled media. Let me briefly elaborate.

In recent comments before the Phoenix Center for Advanced Legal and Economic Policy Studies, Telecom Web reports that, according to Martin, "greater competition is desperately needed in the video market for the delivery of multichannel programming, and this is the primary goal of federal communications policy."

I would urge that in this proceeding, and all other relevant ones, that another primary goal of federal communications policy should be to allow and encourage diverse community-based programming, as well. Such programming, where it exists, has

often proved to be an essential component of the health of the community – whether that programming takes the form of governmental meeting coverage, educational and student life programming such as school sports and concerts, or programming made by members of the community who just have something they want to share.

With that additional goal in mind, I make these comments about the provisions proposed in MB 05-311.

- 1) A 90-day franchising period is too short for a franchise authority to adequately match an applicant's proposal against its community's needs. There is evidence in Maine, and other states, that it is not the municipalities who are slowing down telephone companies cable franchising efforts, rather it is the telephone companies themselves who are responsible for dragging out some of these negotiations.
- 2) New video provider entrants in a franchise area should have to carry, free from any connection charges, any and all existing PEG access channels pre-existing in that franchise area,
- 3) Build-out requirements for any such new entrants are essential for everyone in the franchise area to have access to these community-based channels.
- 4) New video provider entrants should be required to meet the same franchise-based funding mechanisms for any and all pre-existing PEG access channels, and no reformulation should be put in place that reduces or compromises the support derived from those funding mechanisms.

I would further add that I agree with the Alliance for Community Media that such action the FCC proposes taking in MB 05-311 would undermine to the point of negating Congressional intention of allowing for the flourishing of these community-based channels. Such a fundamental re-ordering of our communications landscape, if it's to be contemplated at all, should be a legislative consideration for Congress, not a regulatory one by the Executive.

In closing, I'll repeat, because it bears repeating, that where such PEG access programming exists, it has often proved to be an essential component of those communities' health. Please treat these concerns at least with equal weight to the concerns of increased competition and allegedly lower rates to consumers.

Thank you for your consideration of these comments.

Sincerely,

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